



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0288

Introduced 2/7/2007, by Sen. Bill Brady - Christine Radogno

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 1961. Provides that a child sex offender who committed indecent solicitation of a child, indecent solicitation of an adult, sexual exploitation of a child, soliciting for a juvenile prostitute, exploitation of a child, child pornography, or predatory criminal sexual assault of a child may not reside or loiter within 1,000 (instead of 500) feet of school grounds, a playground, child care institution, day care center, part day child care facility, facilities providing services for children under 18 years of age, or a victim of a sex offense who is under 21 years of age. Increases the penalties for certain specified sex offenses. Amends the Unified Code of Corrections. Provides that the costs of the monitoring of sexual predators must be paid by the offender. Creates a Task Force on Transitional Housing for Sex Offenders to study the implementation, cost, placement, and effectiveness of transitional housing facilities for sex offenders released from facilities of the Department of Corrections. Provides that a prisoner who has been convicted of a sex offense as defined in the Sex Offender Registration Act shall receive no good conduct credit until he or she has successfully completed sex offender counseling. Effective June 1, 2008.

LRB095 07004 RLC 27140 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning sex offenders.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Sections 11-9.3, 11-9.4, 11-19.2, 12-13, and 12-14.1 as
6 follows:

7 (720 ILCS 5/11-9.3)

8 Sec. 11-9.3. Presence within school zone by child sex
9 offenders prohibited.

10 (a) It is unlawful for a child sex offender to knowingly be
11 present in any school building, on real property comprising any
12 school, or in any conveyance owned, leased, or contracted by a
13 school to transport students to or from school or a school
14 related activity when persons under the age of 18 are present
15 in the building, on the grounds or in the conveyance, unless
16 the offender is a parent or guardian of a student attending the
17 school and the parent or guardian is: (i) attending a
18 conference at the school with school personnel to discuss the
19 progress of his or her child academically or socially, (ii)
20 participating in child review conferences in which evaluation
21 and placement decisions may be made with respect to his or her
22 child regarding special education services, or (iii) attending
23 conferences to discuss other student issues concerning his or

1 her child such as retention and promotion and notifies the
2 principal of the school of his or her presence at the school or
3 unless the offender has permission to be present from the
4 superintendent or the school board or in the case of a private
5 school from the principal. In the case of a public school, if
6 permission is granted, the superintendent or school board
7 president must inform the principal of the school where the sex
8 offender will be present. Notification includes the nature of
9 the sex offender's visit and the hours in which the sex
10 offender will be present in the school. The sex offender is
11 responsible for notifying the principal's office when he or she
12 arrives on school property and when he or she departs from
13 school property. If the sex offender is to be present in the
14 vicinity of children, the sex offender has the duty to remain
15 under the direct supervision of a school official. A child sex
16 offender who violates this provision is guilty of a Class 4
17 felony.

18 Nothing in this Section shall be construed to infringe upon
19 the constitutional right of a child sex offender to be present
20 in a school building that is used as a polling place for the
21 purpose of voting.

22 ~~(1) (Blank; or)~~

23 ~~(2) (Blank.)~~

24 (b) Except as otherwise provided in subsection (b-1), it is
25 is unlawful for a child sex offender to knowingly loiter within
26 500 feet of a school building or real property comprising any

1 school while persons under the age of 18 are present in the
2 building or on the grounds, unless the offender is a parent or
3 guardian of a student attending the school and the parent or
4 guardian is: (i) attending a conference at the school with
5 school personnel to discuss the progress of his or her child
6 academically or socially, (ii) participating in child review
7 conferences in which evaluation and placement decisions may be
8 made with respect to his or her child regarding special
9 education services, or (iii) attending conferences to discuss
10 other student issues concerning his or her child such as
11 retention and promotion and notifies the principal of the
12 school of his or her presence at the school or has permission
13 to be present from the superintendent or the school board or in
14 the case of a private school from the principal. In the case of
15 a public school, if permission is granted, the superintendent
16 or school board president must inform the principal of the
17 school where the sex offender will be present. Notification
18 includes the nature of the sex offender's visit and the hours
19 in which the sex offender will be present in the school. The
20 sex offender is responsible for notifying the principal's
21 office when he or she arrives on school property and when he or
22 she departs from school property. If the sex offender is to be
23 present in the vicinity of children, the sex offender has the
24 duty to remain under the direct supervision of a school
25 official. A child sex offender who violates this provision is
26 guilty of a Class 4 felony.

1 ~~(1) (Blank; or)~~

2 ~~(2) (Blank.)~~

3 (b-1) It is unlawful for a child sex offender who committed
4 any of the following offenses under this Code to knowingly
5 loiter within 1,000 feet of a school building or real property
6 comprising any school while persons under the age of 18 are
7 present in the building or on the grounds, unless the offender
8 is a parent or guardian of a student attending the school and
9 the parent or guardian is: (i) attending a conference at the
10 school with school personnel to discuss the progress of his or
11 her child academically or socially, (ii) participating in child
12 review conferences in which evaluation and placement decisions
13 may be made with respect to his or her child regarding special
14 education services, or (iii) attending conferences to discuss
15 other student issues concerning his or her child such as
16 retention and promotion and notifies the principal of the
17 school of his or her presence at the school or has permission
18 to be present from the superintendent or the school board or in
19 the case of a private school from the principal. In the case of
20 a public school, if permission is granted, the superintendent
21 or school board president must inform the principal of the
22 school where the sex offender will be present. Notification
23 includes the nature of the sex offender's visit and the hours
24 in which the sex offender will be present in the school. The
25 sex offender is responsible for notifying the principal's
26 office when he or she arrives on school property and when he or

1 she departs from school property. If the sex offender is to be
2 present in the vicinity of children, the sex offender has the
3 duty to remain under the direct supervision of a school
4 official. A child sex offender who violates this provision is
5 guilty of a Class 4 felony. The offenses for which this
6 subsection (b-1) apply are:

7 (1) Section 11-6 (indecent solicitation of a child);

8 (2) Section 11-6.5 (indecent solicitation of an
9 adult);

10 (3) Section 11-9.1 (sexual exploitation of a child);

11 (4) Section 11-15.1 (soliciting for a juvenile
12 prostitute);

13 (5) Section 11-19.2 (exploitation of a child);

14 (6) Section 11-20.1 (child pornography); or

15 (7) Section 12-14.1 (predatory criminal sexual assault
16 of a child).

17 (b-5) Except as otherwise provided in subsection (b-6), it
18 ~~It~~ is unlawful for a child sex offender to knowingly reside
19 within 500 feet of a school building or the real property
20 comprising any school that persons under the age of 18 attend.
21 Nothing in this subsection (b-5) prohibits a child sex offender
22 from residing within 500 feet of a school building or the real
23 property comprising any school that persons under 18 attend if
24 the property is owned by the child sex offender and was
25 purchased before the effective date of this amendatory Act of
26 the 91st General Assembly.

1 (b-6) It is unlawful for a child sex offender who committed
2 any of the following offenses under this Code to knowingly
3 reside within 1,000 feet of a school building or the real
4 property comprising any school that persons under the age of 18
5 attend:

6 (1) Section 11-6 (indecent solicitation of a child);

7 (2) Section 11-6.5 (indecent solicitation of an
8 adult);

9 (3) Section 11-9.1 (sexual exploitation of a child);

10 (4) Section 11-15.1 (soliciting for a juvenile
11 prostitute);

12 (5) Section 11-19.2 (exploitation of a child);

13 (6) Section 11-20.1 (child pornography); or

14 (7) Section 12-14.1 (predatory criminal sexual assault
15 of a child).

16 Nothing in this subsection (b-6) prohibits a child sex
17 offender from residing within 500 to 1,000 feet of a school
18 building or the real property comprising any school that
19 persons under 18 attend if the property is owned by the child
20 sex offender and was purchased before the effective date of
21 this amendatory Act of the 95th General Assembly.

22 (c) Definitions. In this Section:

23 (1) "Child sex offender" means any person who:

24 (i) has been charged under Illinois law, or any
25 substantially similar federal law or law of another
26 state, with a sex offense set forth in paragraph (2) of

1 this subsection (c) or the attempt to commit an
2 included sex offense, and:

3 (A) is convicted of such offense or an attempt
4 to commit such offense; or

5 (B) is found not guilty by reason of insanity
6 of such offense or an attempt to commit such
7 offense; or

8 (C) is found not guilty by reason of insanity
9 pursuant to subsection (c) of Section 104-25 of the
10 Code of Criminal Procedure of 1963 of such offense
11 or an attempt to commit such offense; or

12 (D) is the subject of a finding not resulting
13 in an acquittal at a hearing conducted pursuant to
14 subsection (a) of Section 104-25 of the Code of
15 Criminal Procedure of 1963 for the alleged
16 commission or attempted commission of such
17 offense; or

18 (E) is found not guilty by reason of insanity
19 following a hearing conducted pursuant to a
20 federal law or the law of another state
21 substantially similar to subsection (c) of Section
22 104-25 of the Code of Criminal Procedure of 1963 of
23 such offense or of the attempted commission of such
24 offense; or

25 (F) is the subject of a finding not resulting
26 in an acquittal at a hearing conducted pursuant to

1 a federal law or the law of another state
2 substantially similar to subsection (a) of Section
3 104-25 of the Code of Criminal Procedure of 1963
4 for the alleged violation or attempted commission
5 of such offense; or

6 (ii) is certified as a sexually dangerous person
7 pursuant to the Illinois Sexually Dangerous Persons
8 Act, or any substantially similar federal law or the
9 law of another state, when any conduct giving rise to
10 such certification is committed or attempted against a
11 person less than 18 years of age; or

12 (iii) is subject to the provisions of Section 2 of
13 the Interstate Agreements on Sexually Dangerous
14 Persons Act.

15 Convictions that result from or are connected with the
16 same act, or result from offenses committed at the same
17 time, shall be counted for the purpose of this Section as
18 one conviction. Any conviction set aside pursuant to law is
19 not a conviction for purposes of this Section.

20 (2) Except as otherwise provided in paragraph (2.5),
21 "sex offense" means:

22 (i) A violation of any of the following Sections of
23 the Criminal Code of 1961: 10-7 (aiding and abetting
24 child abduction under Section 10-5(b)(10)),
25 10-5(b)(10) (child luring), 11-6 (indecent
26 solicitation of a child), 11-6.5 (indecent

1 solicitation of an adult), 11-9 (public indecency when
2 committed in a school, on the real property comprising
3 a school, or on a conveyance, owned, leased, or
4 contracted by a school to transport students to or from
5 school or a school related activity), 11-9.1 (sexual
6 exploitation of a child), 11-15.1 (soliciting for a
7 juvenile prostitute), 11-17.1 (keeping a place of
8 juvenile prostitution), 11-18.1 (patronizing a
9 juvenile prostitute), 11-19.1 (juvenile pimping),
10 11-19.2 (exploitation of a child), 11-20.1 (child
11 pornography), 11-21 (harmful material), 12-14.1
12 (predatory criminal sexual assault of a child), 12-33
13 (ritualized abuse of a child), 11-20 (obscenity) (when
14 that offense was committed in any school, on real
15 property comprising any school, in any conveyance
16 owned, leased, or contracted by a school to transport
17 students to or from school or a school related
18 activity). An attempt to commit any of these offenses.

19 (ii) A violation of any of the following Sections
20 of the Criminal Code of 1961, when the victim is a
21 person under 18 years of age: 12-13 (criminal sexual
22 assault), 12-14 (aggravated criminal sexual assault),
23 12-15 (criminal sexual abuse), 12-16 (aggravated
24 criminal sexual abuse). An attempt to commit any of
25 these offenses.

26 (iii) A violation of any of the following Sections

1 of the Criminal Code of 1961, when the victim is a
2 person under 18 years of age and the defendant is not a
3 parent of the victim:

4 10-1 (kidnapping),
5 10-2 (aggravated kidnapping),
6 10-3 (unlawful restraint),
7 10-3.1 (aggravated unlawful restraint).

8 An attempt to commit any of these offenses.

9 (iv) A violation of any former law of this State
10 substantially equivalent to any offense listed in
11 clause (2)(i) of subsection (c) of this Section.

12 (2.5) For the purposes of subsection (b-5) only, a sex
13 offense means:

14 (i) A violation of any of the following Sections of
15 the Criminal Code of 1961:

16 10-5(b)(10) (child luring), 10-7 (aiding and
17 abetting child abduction under Section
18 10-5(b)(10)), 11-6 (indecent solicitation of a
19 child), 11-6.5 (indecent solicitation of an
20 adult), 11-15.1 (soliciting for a juvenile
21 prostitute), 11-17.1 (keeping a place of juvenile
22 prostitution), 11-18.1 (patronizing a juvenile
23 prostitute), 11-19.1 (juvenile pimping), 11-19.2
24 (exploitation of a child), 11-20.1 (child
25 pornography), 12-14.1 (predatory criminal sexual
26 assault of a child), or 12-33 (ritualized abuse of

1 a child). An attempt to commit any of these
2 offenses.

3 (ii) A violation of any of the following Sections
4 of the Criminal Code of 1961, when the victim is a
5 person under 18 years of age: 12-13 (criminal sexual
6 assault), 12-14 (aggravated criminal sexual assault),
7 12-16 (aggravated criminal sexual abuse), and
8 subsection (a) of Section 12-15 (criminal sexual
9 abuse). An attempt to commit any of these offenses.

10 (iii) A violation of any of the following Sections
11 of the Criminal Code of 1961, when the victim is a
12 person under 18 years of age and the defendant is not a
13 parent of the victim:

14 10-1 (kidnapping),
15 10-2 (aggravated kidnapping),
16 10-3 (unlawful restraint),
17 10-3.1 (aggravated unlawful restraint).

18 An attempt to commit any of these offenses.

19 (iv) A violation of any former law of this State
20 substantially equivalent to any offense listed in this
21 paragraph (2.5) of this subsection.

22 (3) A conviction for an offense of federal law or the
23 law of another state that is substantially equivalent to
24 any offense listed in paragraph (2) of subsection (c) of
25 this Section shall constitute a conviction for the purpose
26 of this Article. A finding or adjudication as a sexually

1 dangerous person under any federal law or law of another
2 state that is substantially equivalent to the Sexually
3 Dangerous Persons Act shall constitute an adjudication for
4 the purposes of this Section.

5 (4) "School" means a public or private pre-school,
6 elementary, or secondary school.

7 (5) "Loiter" means:

8 (i) Standing, sitting idly, whether or not the
9 person is in a vehicle or remaining in or around school
10 property.

11 (ii) Standing, sitting idly, whether or not the
12 person is in a vehicle or remaining in or around school
13 property, for the purpose of committing or attempting
14 to commit a sex offense.

15 (iii) Entering or remaining in a building in or
16 around school property, other than the offender's
17 residence.

18 (6) "School official" means the principal, a teacher,
19 or any other certified employee of the school, the
20 superintendent of schools or a member of the school board.

21 (d) Sentence. A person who violates this Section is guilty
22 of a Class 4 felony.

23 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
24 94-170, eff. 7-11-05; revised 9-15-06.)

1 Sec. 11-9.4. Approaching, contacting, residing, or
2 communicating with a child within certain places by child sex
3 offenders prohibited.

4 (a) It is unlawful for a child sex offender to knowingly be
5 present in any public park building or on real property
6 comprising any public park when persons under the age of 18 are
7 present in the building or on the grounds and to approach,
8 contact, or communicate with a child under 18 years of age,
9 unless the offender is a parent or guardian of a person under
10 18 years of age present in the building or on the grounds.

11 (b) Except as otherwise provided in subsection (b-1), it ~~is~~
12 is unlawful for a child sex offender to knowingly loiter on a
13 public way within 500 feet of a public park building or real
14 property comprising any public park while persons under the age
15 of 18 are present in the building or on the grounds and to
16 approach, contact, or communicate with a child under 18 years
17 of age, unless the offender is a parent or guardian of a person
18 under 18 years of age present in the building or on the
19 grounds.

20 (b-1) It is unlawful for a child sex offender who committed
21 the following offenses under this Code to knowingly loiter on a
22 public way within 1,000 feet of a public park building or real
23 property comprising any public park while persons under the age
24 of 18 are present in the building or on the grounds and to
25 approach, contact, or communicate with a child under 18 years
26 of age, unless the offender is a parent or guardian of a person

1 under 18 years of age present in the building or on the
2 grounds:

3 (1) Section 11-6 (indecent solicitation of a child);

4 (2) Section 11-6.5 (indecent solicitation of an
5 adult);

6 (3) Section 11-9.1 (sexual exploitation of a child);

7 (4) Section 11-15.1 (soliciting for a juvenile
8 prostitute);

9 (5) Section 11-19.2 (exploitation of a child);

10 (6) Section 11-20.1 (child pornography); or

11 (7) Section 12-14.1 (predatory criminal sexual assault
12 of a child).

13 (b-5) Except as otherwise provided in subsection (b-7), it
14 ~~It~~ is unlawful for a child sex offender to knowingly reside
15 within 500 feet of a playground, child care institution, day
16 care center, part day child care facility, or a facility
17 providing programs or services exclusively directed toward
18 persons under 18 years of age. Nothing in this subsection (b-5)
19 prohibits a child sex offender from residing within 500 feet of
20 a playground or a facility providing programs or services
21 exclusively directed toward persons under 18 years of age if
22 the property is owned by the child sex offender and was
23 purchased before the effective date of this amendatory Act of
24 the 91st General Assembly. Nothing in this subsection (b-5)
25 prohibits a child sex offender from residing within 500 feet of
26 a child care institution, day care center, or part day child

1 care facility if the property is owned by the child sex
2 offender and was purchased before the effective date of this
3 amendatory Act of the 94th General Assembly.

4 (b-6) Except as otherwise provided in subsection (b-8), it
5 ~~it~~ is unlawful for a child sex offender to knowingly reside
6 within 500 feet of the victim of the sex offense. Nothing in
7 this subsection (b-6) prohibits a child sex offender from
8 residing within 500 feet of the victim if the property in which
9 the child sex offender resides is owned by the child sex
10 offender and was purchased before the effective date of this
11 amendatory Act of the 92nd General Assembly.

12 This subsection (b-6) does not apply if the victim of the
13 sex offense is 21 years of age or older.

14 (b-7) It is unlawful for a child sex offender who committed
15 the following offenses to knowingly reside within 1,000 feet of
16 a playground, child care institution, day care center, part day
17 child care facility, or a facility providing programs or
18 services exclusively directed toward persons under 18 years of
19 age:

20 (1) Section 11-6 (indecent solicitation of a child);

21 (2) Section 11-6.5 (indecent solicitation of an
22 adult);

23 (3) Section 11-9.1 (sexual exploitation of a child);

24 (4) Section 11-15.1 (soliciting for a juvenile
25 prostitute);

26 (5) Section 11-19.2 (exploitation of a child);

1 (6) Section 11-20.1 (child pornography); or

2 (7) Section 12-14.1 (predatory criminal sexual assault
3 of a child).

4 Nothing in this subsection (b-7) prohibits a child sex
5 offender from residing within 500 to 1,000 feet of a
6 playground, child care institution, day care center, part day
7 child care facility, or a facility providing programs or
8 services exclusively directed toward persons under 18 years of
9 age if the property is owned by the child sex offender and was
10 purchased before the effective date of this amendatory Act of
11 the 95th General Assembly.

12 (b-8) It is unlawful for a child sex offender who committed
13 the following offenses under this Code to knowingly reside
14 within 1,000 feet of the victim of the sex offense:

15 (1) Section 11-6 (indecent solicitation of a child);

16 (2) Section 11-6.5 (indecent solicitation of an
17 adult);

18 (3) Section 11-9.1 (sexual exploitation of a child);

19 (4) Section 11-15.1 (soliciting for a juvenile
20 prostitute);

21 (5) Section 11-19.2 (exploitation of a child);

22 (6) Section 11-20.1 (child pornography); or

23 (7) Section 12-14.1 (predatory criminal sexual assault
24 of a child).

25 Nothing in this subsection (b-8) prohibits a child sex
26 offender from residing within 500 to 1,000 feet of the victim

1 if the property in which the child sex offender resides is
2 owned by the child sex offender and was purchased before the
3 effective date of this amendatory Act of the 95th General
4 Assembly.

5 (c) It is unlawful for a child sex offender to knowingly
6 operate, manage, be employed by, volunteer at, be associated
7 with, or knowingly be present at any: (i) facility providing
8 programs or services exclusively directed towards persons
9 under the age of 18; (ii) day care center; (iii) part day child
10 care facility; (iv) child care institution, or (v) school
11 providing before and after school programs for children under
12 18 years of age. This does not prohibit a child sex offender
13 from owning the real property upon which the programs or
14 services are offered or upon which the day care center, part
15 day child care facility, child care institution, or school
16 providing before and after school programs for children under
17 18 years of age is located, provided the child sex offender
18 refrains from being present on the premises for the hours
19 during which: (1) the programs or services are being offered or
20 (2) the day care center, part day child care facility, child
21 care institution, or school providing before and after school
22 programs for children under 18 years of age is operated.

23 (d) Definitions. In this Section:

24 (1) "Child sex offender" means any person who:

25 (i) has been charged under Illinois law, or any
26 substantially similar federal law or law of another

1 state, with a sex offense set forth in paragraph (2) of
2 this subsection (d) or the attempt to commit an
3 included sex offense, and:

4 (A) is convicted of such offense or an attempt
5 to commit such offense; or

6 (B) is found not guilty by reason of insanity
7 of such offense or an attempt to commit such
8 offense; or

9 (C) is found not guilty by reason of insanity
10 pursuant to subsection (c) of Section 104-25 of the
11 Code of Criminal Procedure of 1963 of such offense
12 or an attempt to commit such offense; or

13 (D) is the subject of a finding not resulting
14 in an acquittal at a hearing conducted pursuant to
15 subsection (a) of Section 104-25 of the Code of
16 Criminal Procedure of 1963 for the alleged
17 commission or attempted commission of such
18 offense; or

19 (E) is found not guilty by reason of insanity
20 following a hearing conducted pursuant to a
21 federal law or the law of another state
22 substantially similar to subsection (c) of Section
23 104-25 of the Code of Criminal Procedure of 1963 of
24 such offense or of the attempted commission of such
25 offense; or

26 (F) is the subject of a finding not resulting

1 in an acquittal at a hearing conducted pursuant to
2 a federal law or the law of another state
3 substantially similar to subsection (a) of Section
4 104-25 of the Code of Criminal Procedure of 1963
5 for the alleged violation or attempted commission
6 of such offense; or

7 (ii) is certified as a sexually dangerous person
8 pursuant to the Illinois Sexually Dangerous Persons
9 Act, or any substantially similar federal law or the
10 law of another state, when any conduct giving rise to
11 such certification is committed or attempted against a
12 person less than 18 years of age; or

13 (iii) is subject to the provisions of Section 2 of
14 the Interstate Agreements on Sexually Dangerous
15 Persons Act.

16 Convictions that result from or are connected with the
17 same act, or result from offenses committed at the same
18 time, shall be counted for the purpose of this Section as
19 one conviction. Any conviction set aside pursuant to law is
20 not a conviction for purposes of this Section.

21 (2) Except as otherwise provided in paragraph (2.5),
22 "sex offense" means:

23 (i) A violation of any of the following Sections of
24 the Criminal Code of 1961: 10-7 (aiding and abetting
25 child abduction under Section 10-5(b)(10)),
26 10-5(b)(10) (child luring), 11-6 (indecent

1 solicitation of a child), 11-6.5 (indecent
2 solicitation of an adult), 11-9 (public indecency when
3 committed in a school, on the real property comprising
4 a school, on a conveyance owned, leased, or contracted
5 by a school to transport students to or from school or
6 a school related activity, or in a public park), 11-9.1
7 (sexual exploitation of a child), 11-15.1 (soliciting
8 for a juvenile prostitute), 11-17.1 (keeping a place of
9 juvenile prostitution), 11-18.1 (patronizing a
10 juvenile prostitute), 11-19.1 (juvenile pimping),
11 11-19.2 (exploitation of a child), 11-20.1 (child
12 pornography), 11-21 (harmful material), 12-14.1
13 (predatory criminal sexual assault of a child), 12-33
14 (ritualized abuse of a child), 11-20 (obscenity) (when
15 that offense was committed in any school, on real
16 property comprising any school, on any conveyance
17 owned, leased, or contracted by a school to transport
18 students to or from school or a school related
19 activity, or in a public park). An attempt to commit
20 any of these offenses.

21 (ii) A violation of any of the following Sections
22 of the Criminal Code of 1961, when the victim is a
23 person under 18 years of age: 12-13 (criminal sexual
24 assault), 12-14 (aggravated criminal sexual assault),
25 12-15 (criminal sexual abuse), 12-16 (aggravated
26 criminal sexual abuse). An attempt to commit any of

1 these offenses.

2 (iii) A violation of any of the following Sections
3 of the Criminal Code of 1961, when the victim is a
4 person under 18 years of age and the defendant is not a
5 parent of the victim:

6 10-1 (kidnapping),

7 10-2 (aggravated kidnapping),

8 10-3 (unlawful restraint),

9 10-3.1 (aggravated unlawful restraint).

10 An attempt to commit any of these offenses.

11 (iv) A violation of any former law of this State
12 substantially equivalent to any offense listed in
13 clause (2)(i) of this subsection (d).

14 (2.5) For the purposes of subsection (b-5) only, a sex
15 offense means:

16 (i) A violation of any of the following Sections of
17 the Criminal Code of 1961:

18 10-5(b)(10) (child luring), 10-7 (aiding and
19 abetting child abduction under Section
20 10-5(b)(10)), 11-6 (indecent solicitation of a
21 child), 11-6.5 (indecent solicitation of an
22 adult), 11-15.1 (soliciting for a juvenile
23 prostitute), 11-17.1 (keeping a place of juvenile
24 prostitution), 11-18.1 (patronizing a juvenile
25 prostitute), 11-19.1 (juvenile pimping), 11-19.2
26 (exploitation of a child), 11-20.1 (child

1 pornography), 12-14.1 (predatory criminal sexual
2 assault of a child), or 12-33 (ritualized abuse of
3 a child). An attempt to commit any of these
4 offenses.

5 (ii) A violation of any of the following Sections
6 of the Criminal Code of 1961, when the victim is a
7 person under 18 years of age: 12-13 (criminal sexual
8 assault), 12-14 (aggravated criminal sexual assault),
9 12-16 (aggravated criminal sexual abuse), and
10 subsection (a) of Section 12-15 (criminal sexual
11 abuse). An attempt to commit any of these offenses.

12 (iii) A violation of any of the following Sections
13 of the Criminal Code of 1961, when the victim is a
14 person under 18 years of age and the defendant is not a
15 parent of the victim:

16 10-1 (kidnapping),
17 10-2 (aggravated kidnapping),
18 10-3 (unlawful restraint),
19 10-3.1 (aggravated unlawful restraint).

20 An attempt to commit any of these offenses.

21 (iv) A violation of any former law of this State
22 substantially equivalent to any offense listed in this
23 paragraph (2.5) of this subsection.

24 (3) A conviction for an offense of federal law or the
25 law of another state that is substantially equivalent to
26 any offense listed in paragraph (2) of this subsection (d)

1 shall constitute a conviction for the purpose of this
2 Section. A finding or adjudication as a sexually dangerous
3 person under any federal law or law of another state that
4 is substantially equivalent to the Sexually Dangerous
5 Persons Act shall constitute an adjudication for the
6 purposes of this Section.

7 (4) "Public park" includes a park, forest preserve, or
8 conservation area under the jurisdiction of the State or a
9 unit of local government.

10 (5) "Facility providing programs or services directed
11 towards persons under the age of 18" means any facility
12 providing programs or services exclusively directed
13 towards persons under the age of 18.

14 (6) "Loiter" means:

15 (i) Standing, sitting idly, whether or not the
16 person is in a vehicle or remaining in or around public
17 park property.

18 (ii) Standing, sitting idly, whether or not the
19 person is in a vehicle or remaining in or around public
20 park property, for the purpose of committing or
21 attempting to commit a sex offense.

22 (7) "Playground" means a piece of land owned or
23 controlled by a unit of local government that is designated
24 by the unit of local government for use solely or primarily
25 for children's recreation.

26 (8) "Child care institution" has the meaning ascribed

1 to it in Section 2.06 of the Child Care Act of 1969.

2 (9) "Day care center" has the meaning ascribed to it in
3 Section 2.09 of the Child Care Act of 1969.

4 (10) "Part day child care facility" has the meaning
5 ascribed to it in Section 2.10 of the Child Care Act of
6 1969.

7 (e) Sentence. A person who violates this Section is guilty
8 of a Class 4 felony.

9 (Source: P.A. 94-925, eff. 6-26-06.)

10 (720 ILCS 5/11-19.2) (from Ch. 38, par. 11-19.2)

11 Sec. 11-19.2. Exploitation of a child.

12 (A) A person commits exploitation of a child when he or she
13 confines a child under the age of 16 or a severely or
14 profoundly mentally retarded person against his or her will by
15 the infliction or threat of imminent infliction of great bodily
16 harm, permanent disability or disfigurement or by
17 administering to the child or severely or profoundly mentally
18 retarded person without his or her consent or by threat or
19 deception and for other than medical purposes, any alcoholic
20 intoxicant or a drug as defined in the Illinois Controlled
21 Substances Act or the Cannabis Control Act or methamphetamine
22 as defined in the Methamphetamine Control and Community
23 Protection Act and:

24 (1) compels the child or severely or profoundly
25 mentally retarded person to become a prostitute; or

1 (2) arranges a situation in which the child or severely
2 or profoundly mentally retarded person may practice
3 prostitution; or

4 (3) receives any money, property, token, object, or
5 article or anything of value from the child or severely or
6 profoundly mentally retarded person knowing it was
7 obtained in whole or in part from the practice of
8 prostitution.

9 (B) For purposes of this Section, administering drugs, as
10 defined in subsection (A), or an alcoholic intoxicant to a
11 child under the age of 13 or a severely or profoundly mentally
12 retarded person shall be deemed to be without consent if such
13 administering is done without the consent of the parents or
14 legal guardian.

15 (C) Exploitation of a child is a Class X felony for which
16 the person shall be sentenced to a term of imprisonment of not
17 less than 30 years and not more than 60 years.

18 (D) Any person convicted under this Section is subject to
19 the forfeiture provisions of Section 11-20.1A of this Act.

20 (Source: P.A. 94-556, eff. 9-11-05.)

21 (720 ILCS 5/12-13) (from Ch. 38, par. 12-13)

22 Sec. 12-13. Criminal Sexual Assault.

23 (a) The accused commits criminal sexual assault if he or
24 she:

25 (1) commits an act of sexual penetration by the use of

1 force or threat of force; or

2 (2) commits an act of sexual penetration and the
3 accused knew that the victim was unable to understand the
4 nature of the act or was unable to give knowing consent; or

5 (3) commits an act of sexual penetration with a victim
6 who was under 18 years of age when the act was committed
7 and the accused was a family member; or

8 (4) commits an act of sexual penetration with a victim
9 who was at least 13 years of age but under 18 years of age
10 when the act was committed and the accused was 17 years of
11 age or over and held a position of trust, authority or
12 supervision in relation to the victim.

13 (b) Sentence.

14 (1) Criminal sexual assault is a Class 1 felony.

15 (2) Except as otherwise provided in paragraph (3) of
16 this subsection (b), a ~~A~~ person who is convicted of the
17 offense of criminal sexual assault as defined in paragraph
18 (a) (1) or (a) (2) after having previously been convicted of
19 a sex offense as defined in Section 2 of the Sex Offender
20 Registration Act ~~the offense of criminal sexual assault, or~~
21 ~~who is convicted of the offense of criminal sexual assault~~
22 ~~as defined in paragraph (a) (1) or (a) (2) after having~~
23 ~~previously been convicted under the laws of this State or~~
24 ~~any other state of an offense that is substantially~~
25 ~~equivalent to the offense of criminal sexual assault,~~
26 commits a Class X felony for which the person shall be

1 sentenced to a term of imprisonment of not less than 30
2 years and not more than 60 years. The commission of the
3 second or subsequent offense is required to have been after
4 the initial conviction for this paragraph (2) to apply.

5 (3) A person who is convicted of the offense of
6 criminal sexual assault as defined in paragraph (a)(1) or
7 (a)(2) after having previously been convicted of the
8 offense of aggravated criminal sexual assault or the
9 offense of predatory criminal sexual assault of a child, or
10 who is convicted of the offense of criminal sexual assault
11 as defined in paragraph (a)(1) or (a)(2) after having
12 previously been convicted under the laws of this State or
13 any other state of an offense that is substantially
14 equivalent to the offense of aggravated criminal sexual
15 assault or the offense of criminal predatory sexual assault
16 shall be sentenced to a term of natural life imprisonment.
17 The commission of the second or subsequent offense is
18 required to have been after the initial conviction for this
19 paragraph (3) to apply.

20 (4) A second or subsequent conviction for a violation
21 of paragraph (a)(3) or (a)(4) or under any similar statute
22 of this State or any other state for any offense involving
23 criminal sexual assault that is substantially equivalent
24 to or more serious than the sexual assault prohibited under
25 paragraph (a)(3) or (a)(4) is a Class X felony.

26 (5) When a person has any such prior conviction, the

1 information or indictment charging that person shall state
2 such prior conviction so as to give notice of the State's
3 intention to treat the charge as a Class X felony. The fact
4 of such prior conviction is not an element of the offense
5 and may not be disclosed to the jury during trial unless
6 otherwise permitted by issues properly raised during such
7 trial.

8 (Source: P.A. 90-396, eff. 1-1-98.)

9 (720 ILCS 5/12-14.1)

10 Sec. 12-14.1. Predatory criminal sexual assault of a child.

11 (a) The accused commits predatory criminal sexual assault
12 of a child if:

13 (1) the accused was 17 years of age or over and commits
14 an act of sexual penetration with a victim who was under 13
15 years of age when the act was committed; or

16 (1.1) the accused was 17 years of age or over and,
17 while armed with a firearm, commits an act of sexual
18 penetration with a victim who was under 13 years of age
19 when the act was committed; or

20 (1.2) the accused was 17 years of age or over and
21 commits an act of sexual penetration with a victim who was
22 under 13 years of age when the act was committed and,
23 during the commission of the offense, the accused
24 personally discharged a firearm; or

25 (2) the accused was 17 years of age or over and commits

1 an act of sexual penetration with a victim who was under 13
2 years of age when the act was committed and the accused
3 caused great bodily harm to the victim that:

4 (A) resulted in permanent disability; or

5 (B) was life threatening; or

6 (3) the accused was 17 years of age or over and commits
7 an act of sexual penetration with a victim who was under 13
8 years of age when the act was committed and the accused
9 delivered (by injection, inhalation, ingestion, transfer
10 of possession, or any other means) to the victim without
11 his or her consent, or by threat or deception, and for
12 other than medical purposes, any controlled substance.

13 (b) Sentence.

14 (1) A person convicted of a violation of subsection
15 (a)(1) commits a Class X felony for which the person shall
16 be sentenced to a term of imprisonment of not less than 30
17 years and not more than 60 years. A person convicted of a
18 violation of subsection (a)(1.1) commits a Class X felony
19 for which 15 years shall be added to the term of
20 imprisonment imposed by the court. A person convicted of a
21 violation of subsection (a)(1.2) commits a Class X felony
22 for which 20 years shall be added to the term of
23 imprisonment imposed by the court. A person convicted of a
24 violation of subsection (a)(2) commits a Class X felony for
25 which the person shall be sentenced to a term of
26 imprisonment of not less than 50 years or up to a term of

1 natural life imprisonment.

2 (1.1) A person convicted of a violation of subsection
3 (a) (3) commits a Class X felony for which the person shall
4 be sentenced to a term of imprisonment of not less than 50
5 years and not more than 60 years.

6 (1.2) A person convicted of predatory criminal sexual
7 assault of a child committed against 2 or more persons
8 regardless of whether the offenses occurred as the result
9 of the same act or of several related or unrelated acts
10 shall be sentenced to a term of natural life imprisonment.

11 (2) A person who is convicted of a second or subsequent
12 offense of predatory criminal sexual assault of a child, or
13 who is convicted of the offense of predatory criminal
14 sexual assault of a child after having previously been
15 convicted of the offense of criminal sexual assault or the
16 offense of aggravated criminal sexual assault, or who is
17 convicted of the offense of predatory criminal sexual
18 assault of a child after having previously been convicted
19 under the laws of this State or any other state of an
20 offense that is substantially equivalent to the offense of
21 predatory criminal sexual assault of a child, the offense
22 of aggravated criminal sexual assault or the offense of
23 criminal sexual assault, shall be sentenced to a term of
24 natural life imprisonment. The commission of the second or
25 subsequent offense is required to have been after the
26 initial conviction for this paragraph (2) to apply.

1 (Source: P.A. 91-238, eff. 1-1-00; 91-404, eff. 1-1-00; 92-16,
2 eff. 6-28-01.)

3 Section 10. The Unified Code of Corrections is amended by
4 changing Sections 3-3-7 and 3-6-3 and by adding Sections
5 3-19-15 and 5-8A-6 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

7 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
8 Release.

9 (a) The conditions of parole or mandatory supervised
10 release shall be such as the Prisoner Review Board deems
11 necessary to assist the subject in leading a law-abiding life.
12 The conditions of every parole and mandatory supervised release
13 are that the subject:

14 (1) not violate any criminal statute of any
15 jurisdiction during the parole or release term;

16 (2) refrain from possessing a firearm or other
17 dangerous weapon;

18 (3) report to an agent of the Department of
19 Corrections;

20 (4) permit the agent to visit him or her at his or her
21 home, employment, or elsewhere to the extent necessary for
22 the agent to discharge his or her duties;

23 (5) attend or reside in a facility established for the
24 instruction or residence of persons on parole or mandatory

1 supervised release;

2 (6) secure permission before visiting or writing a
3 committed person in an Illinois Department of Corrections
4 facility;

5 (7) report all arrests to an agent of the Department of
6 Corrections as soon as permitted by the arresting authority
7 but in no event later than 24 hours after release from
8 custody;

9 (7.5) if convicted of a sex offense as defined in the
10 Sex Offender Management Board Act, the individual shall
11 undergo and successfully complete sex offender treatment
12 conducted in conformance with the standards developed by
13 the Sex Offender Management Board Act by a treatment
14 provider approved by the Board;

15 (7.6) if convicted of a sex offense as defined in the
16 Sex Offender Management Board Act, refrain from residing at
17 the same address or in the same condominium unit or
18 apartment unit or in the same condominium complex or
19 apartment complex with another person he or she knows or
20 reasonably should know is a convicted sex offender or has
21 been placed on supervision for a sex offense; the
22 provisions of this paragraph do not apply to a person
23 convicted of a sex offense who is placed in a Department of
24 Corrections licensed transitional housing facility for sex
25 offenders, or is in any facility operated or licensed by
26 the Department of Children and Family Services or by the

1 Department of Human Services, or is in any licensed medical
2 facility;

3 (7.7) if convicted for an offense that would qualify
4 the accused as a sexual predator under the Sex Offender
5 Registration Act on or after the effective date of this
6 amendatory Act of the 94th General Assembly, wear an
7 approved electronic monitoring device as defined in
8 Section 5-8A-2 for the duration of the person's parole,
9 mandatory supervised release term, or extended mandatory
10 supervised release term, ~~provided funding is appropriated~~
11 ~~by the General Assembly;~~

12 (8) obtain permission of an agent of the Department of
13 Corrections before leaving the State of Illinois;

14 (9) obtain permission of an agent of the Department of
15 Corrections before changing his or her residence or
16 employment;

17 (10) consent to a search of his or her person,
18 property, or residence under his or her control;

19 (11) refrain from the use or possession of narcotics or
20 other controlled substances in any form, or both, or any
21 paraphernalia related to those substances and submit to a
22 urinalysis test as instructed by a parole agent of the
23 Department of Corrections;

24 (12) not frequent places where controlled substances
25 are illegally sold, used, distributed, or administered;

26 (13) not knowingly associate with other persons on

1 parole or mandatory supervised release without prior
2 written permission of his or her parole agent and not
3 associate with persons who are members of an organized gang
4 as that term is defined in the Illinois Streetgang
5 Terrorism Omnibus Prevention Act;

6 (14) provide true and accurate information, as it
7 relates to his or her adjustment in the community while on
8 parole or mandatory supervised release or to his or her
9 conduct while incarcerated, in response to inquiries by his
10 or her parole agent or of the Department of Corrections;

11 (15) follow any specific instructions provided by the
12 parole agent that are consistent with furthering
13 conditions set and approved by the Prisoner Review Board or
14 by law, exclusive of placement on electronic detention, to
15 achieve the goals and objectives of his or her parole or
16 mandatory supervised release or to protect the public.
17 These instructions by the parole agent may be modified at
18 any time, as the agent deems appropriate; and

19 (16) if convicted of a sex offense as defined in
20 subsection (a-5) of Section 3-1-2 of this Code, unless the
21 offender is a parent or guardian of the person under 18
22 years of age present in the home and no non-familial minors
23 are present, not participate in a holiday event involving
24 children under 18 years of age, such as distributing candy
25 or other items to children on Halloween, wearing a Santa
26 Claus costume on or preceding Christmas, being employed as

1 a department store Santa Claus, or wearing an Easter Bunny
2 costume on or preceding Easter.

3 (b) The Board may in addition to other conditions require
4 that the subject:

5 (1) work or pursue a course of study or vocational
6 training;

7 (2) undergo medical or psychiatric treatment, or
8 treatment for drug addiction or alcoholism;

9 (3) attend or reside in a facility established for the
10 instruction or residence of persons on probation or parole;

11 (4) support his dependents;

12 (5) (blank);

13 (6) (blank);

14 (7) comply with the terms and conditions of an order of
15 protection issued pursuant to the Illinois Domestic
16 Violence Act of 1986, enacted by the 84th General Assembly,
17 or an order of protection issued by the court of another
18 state, tribe, or United States territory; and

19 (8) in addition, if a minor:

20 (i) reside with his parents or in a foster home;

21 (ii) attend school;

22 (iii) attend a non-residential program for youth;

23 or

24 (iv) contribute to his own support at home or in a
25 foster home.

26 (b-1) In addition to the conditions set forth in

1 subsections (a) and (b), persons required to register as sex
2 offenders pursuant to the Sex Offender Registration Act, upon
3 release from the custody of the Illinois Department of
4 Corrections, may be required by the Board to comply with the
5 following specific conditions of release:

6 (1) reside only at a Department approved location;

7 (2) comply with all requirements of the Sex Offender
8 Registration Act;

9 (3) notify third parties of the risks that may be
10 occasioned by his or her criminal record;

11 (4) obtain the approval of an agent of the Department
12 of Corrections prior to accepting employment or pursuing a
13 course of study or vocational training and notify the
14 Department prior to any change in employment, study, or
15 training;

16 (5) not be employed or participate in any volunteer
17 activity that involves contact with children, except under
18 circumstances approved in advance and in writing by an
19 agent of the Department of Corrections;

20 (6) be electronically monitored for a minimum of 12
21 months from the date of release as determined by the Board;

22 (7) refrain from entering into a designated geographic
23 area except upon terms approved in advance by an agent of
24 the Department of Corrections. The terms may include
25 consideration of the purpose of the entry, the time of day,
26 and others accompanying the person;

1 (8) refrain from having any contact, including written
2 or oral communications, directly or indirectly, personally
3 or by telephone, letter, or through a third party with
4 certain specified persons including, but not limited to,
5 the victim or the victim's family without the prior written
6 approval of an agent of the Department of Corrections;

7 (9) refrain from all contact, directly or indirectly,
8 personally, by telephone, letter, or through a third party,
9 with minor children without prior identification and
10 approval of an agent of the Department of Corrections;

11 (10) neither possess or have under his or her control
12 any material that is sexually oriented, sexually
13 stimulating, or that shows male or female sex organs or any
14 pictures depicting children under 18 years of age nude or
15 any written or audio material describing sexual
16 intercourse or that depicts or alludes to sexual activity,
17 including but not limited to visual, auditory, telephonic,
18 or electronic media, or any matter obtained through access
19 to any computer or material linked to computer access use;

20 (11) not patronize any business providing sexually
21 stimulating or sexually oriented entertainment nor utilize
22 "900" or adult telephone numbers;

23 (12) not reside near, visit, or be in or about parks,
24 schools, day care centers, swimming pools, beaches,
25 theaters, or any other places where minor children
26 congregate without advance approval of an agent of the

1 Department of Corrections and immediately report any
2 incidental contact with minor children to the Department;

3 (13) not possess or have under his or her control
4 certain specified items of contraband related to the
5 incidence of sexually offending as determined by an agent
6 of the Department of Corrections;

7 (14) may be required to provide a written daily log of
8 activities if directed by an agent of the Department of
9 Corrections;

10 (15) comply with all other special conditions that the
11 Department may impose that restrict the person from
12 high-risk situations and limit access to potential
13 victims.

14 (c) The conditions under which the parole or mandatory
15 supervised release is to be served shall be communicated to the
16 person in writing prior to his release, and he shall sign the
17 same before release. A signed copy of these conditions,
18 including a copy of an order of protection where one had been
19 issued by the criminal court, shall be retained by the person
20 and another copy forwarded to the officer in charge of his
21 supervision.

22 (d) After a hearing under Section 3-3-9, the Prisoner
23 Review Board may modify or enlarge the conditions of parole or
24 mandatory supervised release.

25 (e) The Department shall inform all offenders committed to
26 the Department of the optional services available to them upon

1 release and shall assist inmates in availing themselves of such
2 optional services upon their release on a voluntary basis.

3 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,
4 eff. 7-11-05; 94-161, eff. 7-11-05; 94-988, eff. 1-1-07.)

5 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

6 Sec. 3-6-3. Rules and Regulations for Early Release.

7 (a) (1) The Department of Corrections shall prescribe
8 rules and regulations for the early release on account of
9 good conduct of persons committed to the Department which
10 shall be subject to review by the Prisoner Review Board.

11 (2) The rules and regulations on early release shall
12 provide, with respect to offenses listed in clause (i),
13 (ii), or (iii) of this paragraph (2) committed on or after
14 June 19, 1998 or with respect to the offense listed in
15 clause (iv) of this paragraph (2) committed on or after
16 June 23, 2005 (the effective date of Public Act 94-71) or
17 with respect to the offense of being an armed habitual
18 criminal committed on or after August 2, 2005 (the
19 effective date of Public Act 94-398), the following:

20 (i) that a prisoner who is serving a term of
21 imprisonment for first degree murder or for the offense
22 of terrorism shall receive no good conduct credit and
23 shall serve the entire sentence imposed by the court;

24 (ii) that a prisoner serving a sentence for attempt
25 to commit first degree murder, solicitation of murder,

1 solicitation of murder for hire, intentional homicide
2 of an unborn child, predatory criminal sexual assault
3 of a child, aggravated criminal sexual assault,
4 criminal sexual assault, aggravated kidnapping,
5 aggravated battery with a firearm, heinous battery,
6 being an armed habitual criminal, aggravated battery
7 of a senior citizen, or aggravated battery of a child
8 shall receive no more than 4.5 days of good conduct
9 credit for each month of his or her sentence of
10 imprisonment;

11 (iii) that a prisoner serving a sentence for home
12 invasion, armed robbery, aggravated vehicular
13 hijacking, aggravated discharge of a firearm, or armed
14 violence with a category I weapon or category II
15 weapon, when the court has made and entered a finding,
16 pursuant to subsection (c-1) of Section 5-4-1 of this
17 Code, that the conduct leading to conviction for the
18 enumerated offense resulted in great bodily harm to a
19 victim, shall receive no more than 4.5 days of good
20 conduct credit for each month of his or her sentence of
21 imprisonment; and

22 (iv) that a prisoner serving a sentence for
23 aggravated discharge of a firearm, whether or not the
24 conduct leading to conviction for the offense resulted
25 in great bodily harm to the victim, shall receive no
26 more than 4.5 days of good conduct credit for each

1 month of his or her sentence of imprisonment.

2 (2.1) For all offenses, other than those enumerated in
3 subdivision (a)(2)(i), (ii), or (iii) committed on or after
4 June 19, 1998 or subdivision (a)(2)(iv) committed on or
5 after June 23, 2005 (the effective date of Public Act
6 94-71), and other than the offense of reckless homicide as
7 defined in subsection (e) of Section 9-3 of the Criminal
8 Code of 1961 committed on or after January 1, 1999, or
9 aggravated driving under the influence of alcohol, other
10 drug or drugs, or intoxicating compound or compounds, or
11 any combination thereof as defined in subparagraph (F) of
12 paragraph (1) of subsection (d) of Section 11-501 of the
13 Illinois Vehicle Code, the rules and regulations shall
14 provide that a prisoner who is serving a term of
15 imprisonment shall receive one day of good conduct credit
16 for each day of his or her sentence of imprisonment or
17 recommitment under Section 3-3-9. Each day of good conduct
18 credit shall reduce by one day the prisoner's period of
19 imprisonment or recommitment under Section 3-3-9.

20 (2.2) A prisoner serving a term of natural life
21 imprisonment or a prisoner who has been sentenced to death
22 shall receive no good conduct credit.

23 (2.3) The rules and regulations on early release shall
24 provide that a prisoner who is serving a sentence for
25 reckless homicide as defined in subsection (e) of Section
26 9-3 of the Criminal Code of 1961 committed on or after

1 January 1, 1999, or aggravated driving under the influence
2 of alcohol, other drug or drugs, or intoxicating compound
3 or compounds, or any combination thereof as defined in
4 subparagraph (F) of paragraph (1) of subsection (d) of
5 Section 11-501 of the Illinois Vehicle Code, shall receive
6 no more than 4.5 days of good conduct credit for each month
7 of his or her sentence of imprisonment.

8 (2.4) The rules and regulations on early release shall
9 provide with respect to the offenses of aggravated battery
10 with a machine gun or a firearm equipped with any device or
11 attachment designed or used for silencing the report of a
12 firearm or aggravated discharge of a machine gun or a
13 firearm equipped with any device or attachment designed or
14 used for silencing the report of a firearm, committed on or
15 after July 15, 1999 (the effective date of Public Act
16 91-121), that a prisoner serving a sentence for any of
17 these offenses shall receive no more than 4.5 days of good
18 conduct credit for each month of his or her sentence of
19 imprisonment.

20 (2.5) The rules and regulations on early release shall
21 provide that a prisoner who is serving a sentence for
22 aggravated arson committed on or after July 27, 2001 (the
23 effective date of Public Act 92-176) shall receive no more
24 than 4.5 days of good conduct credit for each month of his
25 or her sentence of imprisonment.

26 (3) The rules and regulations shall also provide that

1 the Director may award up to 180 days additional good
2 conduct credit for meritorious service in specific
3 instances as the Director deems proper; except that no more
4 than 90 days of good conduct credit for meritorious service
5 shall be awarded to any prisoner who is serving a sentence
6 for conviction of first degree murder, reckless homicide
7 while under the influence of alcohol or any other drug, or
8 aggravated driving under the influence of alcohol, other
9 drug or drugs, or intoxicating compound or compounds, or
10 any combination thereof as defined in subparagraph (F) of
11 paragraph (1) of subsection (d) of Section 11-501 of the
12 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
13 predatory criminal sexual assault of a child, aggravated
14 criminal sexual assault, criminal sexual assault, deviate
15 sexual assault, aggravated criminal sexual abuse,
16 aggravated indecent liberties with a child, indecent
17 liberties with a child, child pornography, heinous
18 battery, aggravated battery of a spouse, aggravated
19 battery of a spouse with a firearm, stalking, aggravated
20 stalking, aggravated battery of a child, endangering the
21 life or health of a child, cruelty to a child, or narcotic
22 racketeering. Notwithstanding the foregoing, good conduct
23 credit for meritorious service shall not be awarded on a
24 sentence of imprisonment imposed for conviction of: (i) one
25 of the offenses enumerated in subdivision (a)(2)(i), (ii),
26 or (iii) when the offense is committed on or after June 19,

1 1998 or subdivision (a)(2)(iv) when the offense is
2 committed on or after June 23, 2005 (the effective date of
3 Public Act 94-71), (ii) reckless homicide as defined in
4 subsection (e) of Section 9-3 of the Criminal Code of 1961
5 when the offense is committed on or after January 1, 1999,
6 or aggravated driving under the influence of alcohol, other
7 drug or drugs, or intoxicating compound or compounds, or
8 any combination thereof as defined in subparagraph (F) of
9 paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code, (iii) one of the offenses enumerated
11 in subdivision (a)(2.4) when the offense is committed on or
12 after July 15, 1999 (the effective date of Public Act
13 91-121), or (iv) aggravated arson when the offense is
14 committed on or after July 27, 2001 (the effective date of
15 Public Act 92-176).

16 (4) The rules and regulations shall also provide that
17 the good conduct credit accumulated and retained under
18 paragraph (2.1) of subsection (a) of this Section by any
19 inmate during specific periods of time in which such inmate
20 is engaged full-time in substance abuse programs,
21 correctional industry assignments, or educational programs
22 provided by the Department under this paragraph (4) and
23 satisfactorily completes the assigned program as
24 determined by the standards of the Department, shall be
25 multiplied by a factor of 1.25 for program participation
26 before August 11, 1993 and 1.50 for program participation

1 on or after that date. However, no inmate shall be eligible
2 for the additional good conduct credit under this paragraph
3 (4) or (4.1) of this subsection (a) while assigned to a
4 boot camp or electronic detention, or if convicted of an
5 offense enumerated in subdivision (a)(2)(i), (ii), or
6 (iii) of this Section that is committed on or after June
7 19, 1998 or subdivision (a)(2)(iv) of this Section that is
8 committed on or after June 23, 2005 (the effective date of
9 Public Act 94-71), or if convicted of reckless homicide as
10 defined in subsection (e) of Section 9-3 of the Criminal
11 Code of 1961 if the offense is committed on or after
12 January 1, 1999, or aggravated driving under the influence
13 of alcohol, other drug or drugs, or intoxicating compound
14 or compounds, or any combination thereof as defined in
15 subparagraph (F) of paragraph (1) of subsection (d) of
16 Section 11-501 of the Illinois Vehicle Code, or if
17 convicted of an offense enumerated in paragraph (a)(2.4) of
18 this Section that is committed on or after July 15, 1999
19 (the effective date of Public Act 91-121), or first degree
20 murder, a Class X felony, criminal sexual assault, felony
21 criminal sexual abuse, aggravated criminal sexual abuse,
22 aggravated battery with a firearm, or any predecessor or
23 successor offenses with the same or substantially the same
24 elements, or any inchoate offenses relating to the
25 foregoing offenses. No inmate shall be eligible for the
26 additional good conduct credit under this paragraph (4) who

1 (i) has previously received increased good conduct credit
2 under this paragraph (4) and has subsequently been
3 convicted of a felony, or (ii) has previously served more
4 than one prior sentence of imprisonment for a felony in an
5 adult correctional facility.

6 Educational, vocational, substance abuse and
7 correctional industry programs under which good conduct
8 credit may be increased under this paragraph (4) and
9 paragraph (4.1) of this subsection (a) shall be evaluated
10 by the Department on the basis of documented standards. The
11 Department shall report the results of these evaluations to
12 the Governor and the General Assembly by September 30th of
13 each year. The reports shall include data relating to the
14 recidivism rate among program participants.

15 Availability of these programs shall be subject to the
16 limits of fiscal resources appropriated by the General
17 Assembly for these purposes. Eligible inmates who are
18 denied immediate admission shall be placed on a waiting
19 list under criteria established by the Department. The
20 inability of any inmate to become engaged in any such
21 programs by reason of insufficient program resources or for
22 any other reason established under the rules and
23 regulations of the Department shall not be deemed a cause
24 of action under which the Department or any employee or
25 agent of the Department shall be liable for damages to the
26 inmate.

1 (4.1) The rules and regulations shall also provide that
2 an additional 60 days of good conduct credit shall be
3 awarded to any prisoner who passes the high school level
4 Test of General Educational Development (GED) while the
5 prisoner is incarcerated. The good conduct credit awarded
6 under this paragraph (4.1) shall be in addition to, and
7 shall not affect, the award of good conduct under any other
8 paragraph of this Section, but shall also be pursuant to
9 the guidelines and restrictions set forth in paragraph (4)
10 of subsection (a) of this Section. The good conduct credit
11 provided for in this paragraph shall be available only to
12 those prisoners who have not previously earned a high
13 school diploma or a GED. If, after an award of the GED good
14 conduct credit has been made and the Department determines
15 that the prisoner was not eligible, then the award shall be
16 revoked.

17 (4.5) The rules and regulations on early release shall
18 also provide that when the court's sentencing order
19 recommends a prisoner for substance abuse treatment and the
20 crime was committed on or after September 1, 2003 (the
21 effective date of Public Act 93-354), the prisoner shall
22 receive no good conduct credit awarded under clause (3) of
23 this subsection (a) unless he or she participates in and
24 completes a substance abuse treatment program. The
25 Director may waive the requirement to participate in or
26 complete a substance abuse treatment program and award the

1 good conduct credit in specific instances if the prisoner
2 is not a good candidate for a substance abuse treatment
3 program for medical, programming, or operational reasons.
4 Availability of substance abuse treatment shall be subject
5 to the limits of fiscal resources appropriated by the
6 General Assembly for these purposes. If treatment is not
7 available and the requirement to participate and complete
8 the treatment has not been waived by the Director, the
9 prisoner shall be placed on a waiting list under criteria
10 established by the Department. The Director may allow a
11 prisoner placed on a waiting list to participate in and
12 complete a substance abuse education class or attend
13 substance abuse self-help meetings in lieu of a substance
14 abuse treatment program. A prisoner on a waiting list who
15 is not placed in a substance abuse program prior to release
16 may be eligible for a waiver and receive good conduct
17 credit under clause (3) of this subsection (a) at the
18 discretion of the Director.

19 (4.6) The rules and regulations on early release shall
20 also provide that a prisoner who has been convicted of a
21 sex offense as defined in Section 2 of the Sex Offender
22 Registration Act shall receive no good conduct credit until
23 he or she has successfully completed sex offender
24 counseling.

25 (5) Whenever the Department is to release any inmate
26 earlier than it otherwise would because of a grant of good

1 conduct credit for meritorious service given at any time
2 during the term, the Department shall give reasonable
3 advance notice of the impending release to the State's
4 Attorney of the county where the prosecution of the inmate
5 took place.

6 (b) Whenever a person is or has been committed under
7 several convictions, with separate sentences, the sentences
8 shall be construed under Section 5-8-4 in granting and
9 forfeiting of good time.

10 (c) The Department shall prescribe rules and regulations
11 for revoking good conduct credit, or suspending or reducing the
12 rate of accumulation of good conduct credit for specific rule
13 violations, during imprisonment. These rules and regulations
14 shall provide that no inmate may be penalized more than one
15 year of good conduct credit for any one infraction.

16 When the Department seeks to revoke, suspend or reduce the
17 rate of accumulation of any good conduct credits for an alleged
18 infraction of its rules, it shall bring charges therefor
19 against the prisoner sought to be so deprived of good conduct
20 credits before the Prisoner Review Board as provided in
21 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
22 amount of credit at issue exceeds 30 days or when during any 12
23 month period, the cumulative amount of credit revoked exceeds
24 30 days except where the infraction is committed or discovered
25 within 60 days of scheduled release. In those cases, the
26 Department of Corrections may revoke up to 30 days of good

1 conduct credit. The Board may subsequently approve the
2 revocation of additional good conduct credit, if the Department
3 seeks to revoke good conduct credit in excess of 30 days.
4 However, the Board shall not be empowered to review the
5 Department's decision with respect to the loss of 30 days of
6 good conduct credit within any calendar year for any prisoner
7 or to increase any penalty beyond the length requested by the
8 Department.

9 The Director of the Department of Corrections, in
10 appropriate cases, may restore up to 30 days good conduct
11 credits which have been revoked, suspended or reduced. Any
12 restoration of good conduct credits in excess of 30 days shall
13 be subject to review by the Prisoner Review Board. However, the
14 Board may not restore good conduct credit in excess of the
15 amount requested by the Director.

16 Nothing contained in this Section shall prohibit the
17 Prisoner Review Board from ordering, pursuant to Section
18 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
19 sentence imposed by the court that was not served due to the
20 accumulation of good conduct credit.

21 (d) If a lawsuit is filed by a prisoner in an Illinois or
22 federal court against the State, the Department of Corrections,
23 or the Prisoner Review Board, or against any of their officers
24 or employees, and the court makes a specific finding that a
25 pleading, motion, or other paper filed by the prisoner is
26 frivolous, the Department of Corrections shall conduct a

1 hearing to revoke up to 180 days of good conduct credit by
2 bringing charges against the prisoner sought to be deprived of
3 the good conduct credits before the Prisoner Review Board as
4 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
5 If the prisoner has not accumulated 180 days of good conduct
6 credit at the time of the finding, then the Prisoner Review
7 Board may revoke all good conduct credit accumulated by the
8 prisoner.

9 For purposes of this subsection (d):

10 (1) "Frivolous" means that a pleading, motion, or other
11 filing which purports to be a legal document filed by a
12 prisoner in his or her lawsuit meets any or all of the
13 following criteria:

14 (A) it lacks an arguable basis either in law or in
15 fact;

16 (B) it is being presented for any improper purpose,
17 such as to harass or to cause unnecessary delay or
18 needless increase in the cost of litigation;

19 (C) the claims, defenses, and other legal
20 contentions therein are not warranted by existing law
21 or by a nonfrivolous argument for the extension,
22 modification, or reversal of existing law or the
23 establishment of new law;

24 (D) the allegations and other factual contentions
25 do not have evidentiary support or, if specifically so
26 identified, are not likely to have evidentiary support

1 after a reasonable opportunity for further
2 investigation or discovery; or

3 (E) the denials of factual contentions are not
4 warranted on the evidence, or if specifically so
5 identified, are not reasonably based on a lack of
6 information or belief.

7 (2) "Lawsuit" means a petition for post-conviction
8 relief under Article 122 of the Code of Criminal Procedure
9 of 1963, a motion pursuant to Section 116-3 of the Code of
10 Criminal Procedure of 1963, a habeas corpus action under
11 Article X of the Code of Civil Procedure or under federal
12 law (28 U.S.C. 2254), a petition for claim under the Court
13 of Claims Act or an action under the federal Civil Rights
14 Act (42 U.S.C. 1983).

15 (e) Nothing in Public Act 90-592 or 90-593 affects the
16 validity of Public Act 89-404.

17 (Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71,
18 eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398,
19 eff. 8-2-05; 94-491, eff. 8-8-05; 94-744, eff. 5-8-06.)

20 (730 ILCS 5/3-19-15 new)

21 Sec. 3-19-15. Task Force on Transitional Housing for Sex
22 Offenders.

23 (a) There is created the Task Force on Transitional Housing
24 Facilities for Sex Offenders. The Task Force shall be composed
25 of the following members:

1 (1) Two members from the Department of Corrections
2 appointed by the Director of Corrections;

3 (2) Two members from the Prisoner Review Board
4 appointed by that Board;

5 (3) Two members of the Senate appointed by the
6 President of the Senate;

7 (4) Two members of the Senate appointed by the Minority
8 Leader of the Senate;

9 (5) Two members of the House of Representatives
10 appointed by the Speaker of the House of Representatives;

11 (6) Two members of the House of Representatives
12 appointed by the Minority Leader of the House of
13 Representatives; and

14 (7) Two members of the Governor's Office appointed by
15 the Governor.

16 (b) The Task Force shall study the implementation, cost,
17 placement, and effectiveness of transitional housing
18 facilities for sex offenders released from facilities of the
19 Department of Corrections.

20 (c) The members of the Task Force shall receive no
21 compensation for their services as members of the Task Force
22 but may be reimbursed for their actual expenses incurred in
23 serving on the Task Force from appropriations made to them for
24 such purpose.

1 Sec. 5-8A-6. Electronic monitoring of certain sex
2 offenders. For a sexual predator subject to electronic home
3 monitoring under paragraph (7.7) of subsection (a) of Section
4 3-3-7, the Department of Corrections must use a system that
5 actively monitors and identifies the offender's current
6 location and timely reports or records the offender's presence
7 and that alerts the Department of the offender's presence
8 within a prohibited area described in Sections 11-9.3 and
9 11-9.4 of the Criminal Code of 1961, in a court order, or as a
10 condition of the offender's parole, mandatory supervised
11 release, or extended mandatory supervised release and the
12 offender's departure from specified geographic limitations.
13 The offender must pay for the cost of the electronic home
14 monitoring ~~, provided funding is appropriated by the General~~
15 ~~Assembly for this purpose.~~

16 (Source: P.A. 94-988, eff. 1-1-07.)

17 Section 99. Effective date. This Act takes effect June 1,
18 2008.

1 INDEX

2 Statutes amended in order of appearance

3 720 ILCS 5/11-9.3

4 720 ILCS 5/11-9.4

5 720 ILCS 5/11-19.2 from Ch. 38, par. 11-19.2

6 720 ILCS 5/12-13 from Ch. 38, par. 12-13

7 720 ILCS 5/12-14.1

8 730 ILCS 5/3-3-7 from Ch. 38, par. 1003-3-7

9 730 ILCS 5/3-6-3 from Ch. 38, par. 1003-6-3

10 730 ILCS 5/3-19-15 new

11 730 ILCS 5/5-8A-6